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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,076	01/18/2006	Takeshi Koda	8048-1138	3920
<div>466 7590 02/17/2009</div> <div>YOUNG & THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>ALEXANDRIA, VA 22314</div>				
EXAMINER				
PENDLETON, DIONNE				
ART UNIT		PAPER NUMBER		
2627				
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02/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,076

Applicant(s)

KODA ET AL.

Examiner

DIONNE H. PENDLETON

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the “one predetermined point”** of at least claims 16, 20, the **“another predetermined point”** of at least claims 16 and 20, the **“one end point”** of at least claims 18 and 21, and the **“other end point”** of at least claims 18 and 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 18 and 21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With regard to the claims,

The specification fails to clearly describe how "one [predetermined] end point" may correspond to "a start point" as described in claim 16, while simultaneously corresponding to an "end point" as described in claims 18 and 21. Similarly, the specification fails to clearly describe how "another [predetermined] end point" may correspond to "a start point" as described in claim 16, while simultaneously corresponding to an "other end point" as described in claims 18 and 21.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 16-26** are rejected under 35 U.S.C. 102(b) as being anticipated by **Takahashi (US 5,914,928)**.

Regarding claim 16,

Takahashi teaches a write-once-type recording medium comprising:

a data area (**see “400” in figure 12**) to record therein the record data (column 13, line 25);

a control information recording area (**see “501” and “502” in figure 12**), which includes a definite defect management area (**501**) to record therein defect management information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area (**column 13:17-20, also see column 23:20-37**);

and a shared area (**“503” in figure 12**), which is disposed between said control information recording area (**501,502**) and said data area (**see the ECC blocks “400” are located between replacement blocks “503”**), to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein the defect management information of said data area, the evacuation data being recorded with one predetermined point which exists in said shared area as a start point, the defect management information being recorded with another predetermined point which exists at a different point from the one point as a start point, in said shared area (**“evacuation data” is interpreted as corresponding at least in part to that area of the ECC block which is found to have a secondary**

defect, as discussed in column 23, lines 4-7, and which as a result is moved to an allocated replacement block; while the “defect management area” is interpreted as corresponding at least in part to the “header number” and “sector ID number” which is added to the allocated replacement block, as discussed in column 23, lines 20-37; figure 14 and 23 also illustrate a starting point for the “header” i.e., defect management area, as well as a starting point for “data” i.e., evacuation data).

Regarding claim 17,

Takahashi teaches that the evacuation data is continuously recorded with the one point as the start point (see “data” sector in figure 14) and the defect management information is continuously recorded with the another point as the start point, in the shared area (see the “header” in figures 14 and 23).

Regarding claims 18 and 21,

As best understood with regard to the USC 1112 first paragraph rejection above, Takahashi teaches that the one point corresponds to one end point in said shared area, and the another point corresponds to the other end point which faces the one point in said shared area.

Regarding claim 19,

Takahashi teaches that the evacuation data and defect management information are recorded, repeatedly, a plurality of times, in said shared area (see the numerous

replacement blocks "503" in figure 12 for allowing repeated recording of evacuation data when a defect is identified).

Regarding claims 20 and 22,

Takahashi teaches a recording apparatus and recording method of recording onto a write-once-type recording medium:

a data area (see **"400" in figure 12**) to record therein the record data (column 13, line 25);

a control information recording area (see **"501" and "502" in figure 12**), which includes a definite defect management area (**501**) to record therein defect management information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area (**column 13:17-20, also see column 23:20-37**);

and a shared area (**"503" in figure 12**) , which is disposed between said control information recording area (**501,502**) and said data area (**see the ECC blocks "400" are located between replacement blocks "503"**), to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein the defect management information of said data area, the apparatus comprising:

a first recording device (**"13" in figure 2**) for recording the record data into said data area; and

a second recording device **(which uses “32” in figure 10 and is discussed in column 12:15-23)** for recording the evacuation data and the defect management information into said shared area said second recording device recording the evacuation data with one predetermined point which exists in said shared area as a start point, the defect management information being recorded with another predetermined point which exists at a different point from the one point as a start point, in said shared area **(“evacuation data” is interpreted as corresponding at least in part to that area of the ECC block which is found to have a secondary defect, as discussed in column 23, lines 4-7, and which as a result is moved to an allocated replacement block; while the “defect management area” is interpreted as corresponding at least in part to the “header number” and “sector ID number” which is added to the allocated replacement block, as discussed in column 23, lines 20-37; figure 14 and 23 also illustrate a starting point for the “header” i.e., defect management area, as well as a starting point for “data” i.e., evacuation data).**

Regarding claims 23 and 24,

Takahashi teaches a reproducing apparatus and reproducing method of recording onto a write-once-type recording medium comprising:

a data area **(see “400” in figure 12)** to record therein the record data;

a control information recording area **(see “501” and “502” in figure 12)**, which includes a definite defect management area **(501)** to record therein defect management

information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area (**column 13:17-20, also see column 23:20-37**);

and a shared area (**"503" in figure 12**), which is disposed between said control information recording area (**501,502**) and said data area (**see the ECC blocks "400" are located between replacement blocks "503"**), to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein the defect management information of said data area (**"evacuation data" is interpreted as corresponding at least in part to that area of the ECC block which is found to have a secondary defect, as discussed in column 23, lines 4-7, and which as a result is moved to an allocated replacement block; while the "defect management area" is interpreted as corresponding at least in part to the "header number" and "sector ID number" which is added to the allocated replacement block, as discussed in column 23, lines 20-37; figure 14 and 23 also illustrate a starting point for the "header" i.e., defect management area, as well as a starting point for "data" i.e., evacuation data**), the apparatus comprising:

a reading device/reproducing process (**"13" in figure 2**) for reading the defect management information in said shared area; and

a reproducing device (**which uses "32" in figure 10 and is discussed in column 12:15-23**) for reproducing the record data recorded in said data area or the

evacuation data recorded in said shared area on the basis of the defect management information.

Regarding claims 25 and 26,

Takahashi teaches a computer program product for recording/reproduction control in a computer-readable medium for tangibly embodying a program of instructions executable by a computer provided for a reproducing apparatus, said program making the computer function as at least a first portion of a recording/reading device and a second recording/reading device,

a data area (**see “400” in figure 12**) to record therein the record data;

a control information recording area (**see “501” and “502” in figure 12**), which includes a definite defect management area (**501**) to record therein defect management information of said data area, to record therein information for controlling at least one of operations of recording and reading in said data area (**column 13:17-20, also see column 23:20-37**);

and a shared area (**“503” in figure 12**) , which is disposed between said control information recording area (**501,502**) and said data area (**see the ECC blocks “400” are located between replacement blocks “503”**), to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein the defect management information of said data area, the evacuation data being recorded with one predetermined point which exists in said shared area as a start point, the defect management information being recorded with

another predetermined point which exists at a different point from the one point as a start point, in said shared area (**“evacuation data” is interpreted as corresponding at least in part to that area of the ECC block which is found to have a secondary defect, as discussed in column 23, lines 4-7, and which as a result is moved to an allocated replacement block; while the “defect management area” is interpreted as corresponding at least in part to the “header number” and “sector ID number” which is added to the allocated replacement block, as discussed in column 23, lines 20-37; figure 14 and 23 also illustrate a starting point for the “header” i.e., defect management area, as well as a starting point for “data” i.e., evacuation data**), the apparatus comprising:

a first reading/recording device (**“13” in figure 2**) for reading/recording the defect management information in said shared area; and

said reproducing/recording device (**which uses “32” in figure 10 and is discussed in column 12:15-23**) for reading/recording the evacuation/record data recorded in said data/shared area or the evacuation data recorded in said spare area on the basis of the defect management information.

Response to Arguments

4. Applicant's arguments with respect to claims rejected in the official action mailed 10/1/2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627